

the hearing, all pleadings and the initial decision of the hearing officer.

§0.735-65 Burden of proof.

The petitioner shall have the burden of proof in this proceeding and must establish a violation by substantial evidence.

§0.735-66 Initial decision.

Within 30 days of the termination of the hearing, the hearing officer shall issue an initial decision on the matter. In his or her initial decision, he or she shall set forth all findings of fact and conclusions of law relevant to the matters at issue.

§0.735-67 Appeal.

Within 15 days of the date of receipt of the initial decision either party may appeal the initial decision or any portion thereof to the Assistant Secretary for Administration, in writing, pointing to errors in the findings of fact or conclusions of law contained in the initial decision. The opposing party shall have ten days after receipt of a copy of the appeal to reply.

§0.735-68 Final decision.

The Assistant Secretary for Administration shall accept or reject the findings and conclusions of the hearing officer. This decision shall be based solely upon the record of the proceeding and the letters of the parties commenting on the initial decision. Neither party shall make any ex-parte communication to the Assistant Secretary for Administration concerning the merits of the appeal prior to issuance of his or her final decision.

§0.735-69 Sanctions.

In event of a finding, not overturned on appeal, of a violation of 18 U.S.C. 207, the Assistant Secretary for Administration may:

(a) Prohibit the respondent from making, on behalf of any other person (except the United States) any formal or informal appearance before, or, with the intent to influence, any oral or written communication to the Department on any matter of business for a period not to exceed five years, which may be accomplished by directing Department employees to refuse to par-

ticipate in any such appearances or to accept any such communications; and

(b) Take other appropriate disciplinary action.

§0.735-70 Finality.

There shall be no appeal within the Department from the decisions of the Assistant Secretary for Administration made pursuant to this subpart.

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

Sec.

- 1.1 Purpose and scope.
- 1.2 Policy.
- 1.3 Agency implementing regulations.
- 1.4 Implementing regulations for the Office of the Secretary.
- 1.5 Public access to certain materials.
- 1.6 Requests for records.
- 1.7 Aggregating requests.
- 1.8 Agency response to requests for records.
- 1.9 Search services.
- 1.10 Review services.
- 1.11 Handling information from a private business.
- 1.12 Date of receipt of requests or appeals.
- 1.13 Appeals.
- 1.14 Extension of administrative deadlines.
- 1.15 Failure to meet administrative deadlines.
- 1.16 Fee schedule.
- 1.17 Exemptions and discretionary release.
- 1.18 Annual report.
- 1.19 Compilation of new records.
- 1.20 Authentication.
- 1.22 Records in formal adjudication proceedings.
- 1.23 Preservation of records.

APPENDIX A—FEE SCHEDULE

Subpart B—Departmental Proceedings

- 1.26 Representation before the Department of Agriculture.
- 1.27 Rulemaking and other notice procedures.
- 1.28 Petitions.
- 1.29 Subpoenas relating to investigations under statutes administered by the Secretary of Agriculture.

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- 1.41 Service of process.

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- 1.51 Claims based on negligence, wrongful act or omission.